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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,212	01/05/2001	Jocelyn Ricard	Q62416	3349

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/23/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,212

Applicant(s)

RICARD ET AL.

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/02/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalsgaard et al. (6226527).

Regarding claims 1 and 2, Dalsgaard et al. disclose a multi-standard mobile telecommunications terminal adapted to operate with base stations of a public cellular network and at least one fixed part of at least one preferred cordless telephone local network (col. 1, lines 65-67, communicates with cellular and cordless networks), the terminal including communication means for communicating with each of said networks and switching means including means for searching for a fixed part of a local network and commanding the communication means to operate with one or the other of said networks according to the result of the network search conducted by the search means (col. 3, lines 67 – col. 4, lines 1-10, the dual mode telephone searches for coverage from a local DECT network in order to switch to the fixed part of the local network), the terminal including means for programming and processing events triggering a search for the fixed part or parts of the local networks in which the terminal can operate (col. 1, lines 52-61, (if the telephone is outside a geographically area, which is usually covered by the cordless network, the cordless section of the telephone is automatically disconnected. As the user is given an indication of such disconnection in order to decide

whether the disabling is incorrect, he or she can manually override it. Therefore, giving the user the ability to manually update the group of cellular cells that provide cordless coverage), said programming and processing means activating the search means on the occurrence of programmed triggering events.

Regarding claim 3, Dalsgaard et al. disclose a terminal, wherein the triggering event is a predefined sequence of keystrokes associated with a command of the terminal other than the command which switches the communication means to operate with a preferred local network (col. 1, lines 58-61, the user is able to update or override predefined inputs).

Regarding claim 8, Dalsgaard et al. disclose a terminal, including means for locating fixed parts of the local networks from information supplied by the public cellular network and wherein the triggering event is the fact that the terminal is in a cell of the public network overlapping the coverage area of a cordless telephone local network (col. 1, lines 41-50, col. 4, lines 20-30, the terminal keeps aware cell identification information about the cells in the cellular network where the telephone is expected to be covered by at least one cordless network; therefore, enabling or disabling the cordless section in reliance to a parameter comparison).

Regarding claim 9, Dalsgaard et al. disclose a terminal, including means for storing the identity of the cell of the public network (col. 3, lines 63-65, the telephone is provided with an ID of the network so that it can connect with a DECT network) in which the local network is located and wherein the triggering event is the reception of a signal representing the identity of the base station corresponding to the stored cell identity (col.

3, lines 14-18, 26-29, the telephone receives signals from base stations where it DECT has coverage).

Regarding claim 10, Dalsgaard et al. disclose a terminal, wherein the switching means switch to a searched for local network only if said search means detect a signal transmitted by a fixed part of the searched for local network during a predefined time period after the occurrence of an associated triggering event (col. 4, lines 31-51, the terminal scans within a predetermined period of time).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dalsgaard et al. (626527) in view of Van Der Salm (6343220).

4. Regarding claim 4, Dalsgaard et al. teach all the limitations as disclosed in claim 1. Dalsgaard et al. do not explicitly teach means for evaluating the traffic load of a local network as a function of time and wherein the triggering event is the traffic load of the local network falling below a predefined threshold, in particular a threshold defined by the user.

However, the preceding limitation is known in the art of telecommunications.

Van Der Salm teaches a multi-mode terminal that can be set to operate over a specific network during busy hours while the other network is less loaded. Therefore, the network is selected dependent on the time or the traffic load of a particular network (col. 6, lines 22-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the intelligent network searching multi-mode as taught by Dalsgaard et al. by implementing the system to provide means for traffic load evaluation because it would provide the network with the capability to evaluate the traffic load of the local network in function of time

Allowable Subject Matter

5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The priority art teaches a multi-mode telephone, capable of establishing connection to a cellular network or a cordless network, of searching for local networks, and allowing the user to update parameters.

On the other hand, the applicant teaches means for storing the frequency of use of every network, and calculating the probability of use of each network by the terminal

and wherein the triggering event for a local network is the crossing of a probability threshold for use of that network, as recited in claims 5, 6, and 7 respectively.

These limitations, in conjunction with all limitations of the independent and dependent claim, respectively, have not been disclosed, taught, or made obvious over the prior art of record.

Response to Arguments

Applicant's arguments with respect to claim 1-4, 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to mobile telecommunications terminals for use with a cellular network and in a preferred local cordless network.

US Pub. NO. 20020049073 to Bell	Dual mode telephone
US Pat. NO. 5842122 to Schellinger et al.	Alternative radiotelephone system selection

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


SINH TRAN
PRIMARY EXAMINER

JRP
2/12/04